

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|-----------------|
| APPLICATION OF THE CINCINNATI SMSA |) | |
| LIMITED PARTNERSHIP FOR THE ISSUANCE |) | |
| OF A CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY TO CONSTRUCT A NEW CELL |) | |
| FACILITY FOR ITS DOMESTIC PUBLIC |) | CASE NO. 92-471 |
| CELLULAR RADIO TELECOMMUNICATIONS |) | |
| SERVICE IN CARTHAGE, KENTUCKY IN THE |) | |
| B2 PORTION OF KENTUCKY RSA 7 |) | |

O R D E R

On November 5, 1992, Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Cincinnati Metropolitan Service Area ("Cincinnati MSA"). Cincinnati SMSA will use this tower to provide service in the B2 area of Rural Service Area No. 7 ("RSA No. 7(B2)"). Cincinnati SMSA was previously granted authority to provide cellular telecommunications service in RSA No. 7(B2) in Case No. 91-245.¹

The proposed cell site consists of a 290-foot or less self-supporting antenna tower to be located approximately 500 feet off Washington Trace Road, Carthage, Campbell County, Kentucky ("the

¹ Case No. 91-245, Application of the Cincinnati SMSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Construct a New Cell Facility for its Domestic Public Cellular Radio Telecommunications Service in Williamstown, Kentucky in the B2 Portion of Kentucky RSA 7.

Carthage cell site"). The coordinates for the Carthage cell site are North Latitude 38° 56' 27" by West Longitude 84° 18' 31".

Cincinnati SMSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Carthage cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Carthage cell site's construction is exempt from local zoning ordinances. Cincinnati SMSA filed applications with and received approvals from the Federal Communications Commission, the Federal Aviation Administration, and the Kentucky Airport Zoning Commission.

Cincinnati SMSA has filed notices verifying that each property owner and/or resident within 500 feet of the Carthage cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and/or residents of their right to intervene. On December 19, 1992, the Commission received a protest letter from Mrs. Don Campbell. On December 16, 1992, Cincinnati SMSA was ordered by the Commission to respond to Mrs. Campbell. The Commission concurrently notified Mrs. Campbell of her right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon

complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Cincinnati SMSA should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Cincinnati SMSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cincinnati SMSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Cincinnati MSA, in order to provide service in RSA No. 7(B2), under its previously approved tariff.

IT IS THEREFORE ORDERED that:

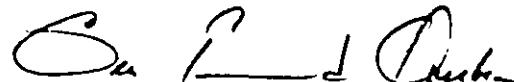
1. Cincinnati SMSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site consisting of a self-supporting antenna tower, not to exceed 290 feet in height, to be located approximately 500 feet off Washington Trace Road, Carthage, Campbell County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 56' 27" by West Longitude 84° 18' 31".

2. Cincinnati SMSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility


service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 5th day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director